IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8040 OF 2005

Trident Metal Profile
Pvt. Ltd., . .. Petitioner.

vs.

Bank of India .. Respondent.

Mr. H.H. Trivedi for petitioner.

CORAM : S.U. KAMDAR, J.
DATE : 12th December, 2005.

P.C.:

. The present petition is challenging the order dated 21/9/2005 passed by the Debts Recovery Appellate Tribunal, Mumbai by which the application of the petitioner for recording of the compromise in respect of the suit claim for Rs. 10 lacs has been rejected. In support of the aforesaid contention that there was a settlement arrived at, the petitioner has relied upon two letters dated 4.11.2003 and 12.1.2004 and the fact that the bank has encashed the cheque of Rs. 10 lacs. From the perusal of the letters it is clear that the bank did not accept the said proposal of full and final

settlement of the claim for the aforesaid amount of Rs. 10 lacs. In fact the bank has rejected the said proposal. In the light of the aforesaid the order passed by the Presiding Officer, D.R.T.and upheld by the Appellate Tribunal does not require to be interfered with. Petition dismissed. No order as to costs.